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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,447	03/12/2004	Darin Barri	MAT 313	2005
23581 7590 06/22/2007 KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			EXAMINER CHEUNG, VICTOR	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,447

Applicant(s)

BARRI, DARIN

Examiner

Victor Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/18/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendments to the specification, drawings, and claims have been filed 5/25/2007. Claims 1 and 6 are amended; claims 2, 4-5, and 7-26 are cancelled; and new claims 27-29 are amended.

Claims 1, 3, 6, and 27-29 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Komata (US Patent Application Publication No. 2001/0008849).

Re Claim 1: Komata discloses an interactive DVD gaming system comprising a DVD and a controller for use with a DVD player (Fig. 4; Paragraph 31), the DVD player being configured to accept game input from the controller (Paragraph 32) and to hold one or more game variables, each game variable having a value (Paragraphs 49, 65), wherein the controller includes a communication subsystem configured to provide user-provided game input to the DVD player (Fig. 10; Paragraphs 89-90), a first user-operated control operatively coupled to the communication subsystem and having a first button (Figs. 6-7), wherein actuation of the first button causes the communication subsystem to provide a first game input (Paragraphs 69-70), and a second user-operated control

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operatively coupled to the communication subsystem and having a second button (Fig. 6-7), wherein actuation of the second button causes the communication subsystem to provide a second game input distinct from the first game input (Paragraphs 69-70, and wherein the DVD includes data readable by the DVD player, said data including at least one sequence of audiovisual content and one or more game scripts operable to define a game variable, associate a value with a game variable defined, and change a value of the game variable as a function of game input accepted from a controller and the value of the game variable (Paragraph 57-58). See also paragraphs 41, 49-52, and 63.

Re Claim 3: Komata discloses the system wherein the DVD is formatted according to the DVD-Video Standard (Paragraphs 31, 63)

Re Claim 6: Komata discloses that the DVD player includes memory (Fig. 5, "RAM").

Although Komata does not specifically disclose the memory storing less than one kilobyte of data, the language used, "memory storage means adapted to store less than 1 kilobyte of data" constitutes an intended use of the memory storage means, and the memory of Komata is inherently capable of providing less than 1 kilobyte of data to store.

Additionally, applicant states that conventional DVD players generally include less than 1 kilobyte of data (Applicant's specification, Page 8, Lines 8-10), and the system of Komata includes functions for DVD playback (Komata, Paragraph 57). As a DVD player, Komata would inherently have memory storage means adapted to store less than 1 kilobyte of data.

Re Claim 27: Komata discloses the system wherein the one or more game scripts are further operable to associate a first value with a game variable defined; and change the first value to either a second value upon accepting the first game input from the controller or a third value upon accepting the second game input from the controller (Paragraph 65).

Re Claim 28: Komata discloses the system wherein the one or more game scripts are further operable to select either a first sequence of audiovisual content if the value associated with the defined game variable is the second value, or a second sequence of audiovisual content if the value associated with the defined game variable is the third value (Paragraph 70).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komata (US Patent Application Publication No. 2001/0008849), as applied to claim 1 above, and further in view of Ahmed (*Sony Releases PS2 DVD Remote*).

Komata discloses the limitations of claim 1, above.

However, Komata does not specifically disclose the DVD player including a receiver for receiving wireless signals, and the communication subsystem includes a light emitting diode (LED)

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configured to transmit wireless signals, and further wherein at least one game input provided by the communication subsystem to the DVD Player is a wireless signal.

Ahmed teaches that entertainment systems such as the system disclosed by Komata can be setup to wirelessly receive infrared signals from a remote control that transmits infrared signals, wherein the remote control is also capable of being used as a basic game controller, providing the entertainment system with game functions (Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a receiver for receiving wireless signals, and to include a light emitting diode configured to transmit wireless signals, and further wherein at least one game input provided by the communication subsystem to the DVD player is a wireless signal, thereby allowing the user the option to control the entertainment system from a plurality of places, not confined to the distance provided by a wired communication system.

Response to Arguments

6. Applicant's remarks filed 5/25/2007, see pages 7-8, regarding the objections to the drawings, objections to the specification, claim objections, claim rejections under 35 U.S.C. 101, and claim rejections under 35 U.S.C. 112 second paragraph have been fully considered. As the pertinent sections of the disclosure and the claims have been cancelled or amended, the objections and rejections have been withdrawn.

7. Applicant's remarks filed 5/25/2007, see pages 9-10, regarding the claim rejections under 35 U.S.C. 102 and 103 have not been considered. Applicant argued over claimed subject matter that

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was not present at the time of the previous office action. The newly amended claims have each been discussed above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Cheung whose telephone number is (571) 270-1349. The examiner can normally be reached on Mon-Thurs, 8-4:30, and every other Fri, 8-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VC

Victor Cheung
June 13, 2007



Robert Pezzuto
Supervisory Patent Examiner
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